

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION**  
**NO. 1220 OF 2022**

(Durgesh @ Vicky Laxman Joze etc.2 vs. The State of Maharashtra  
through Panchavati Police Station)

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. I-379 of 2022 registered with Panchavati Police Station, Nashik for the offences punishable under sections 392, 323, 504, 506(2) read with 34 of the I. P. C.

02] The applicants contended that false and fabricated case is registered against them. They have no concerned with the crime. They are innocent and not done any offence. They are permanent residents of the address mentioned in the application. Nothing has to be seized from them. The allegations are against co-accused. Applicant No.1 is only rickshaw driver and accused Nos.2 and 4 are his friends. They have no criminal antecedents. They have no role in the crime. Nothing remained to be investigated from them. On suitable terms and conditions, they have prayed for bail.

03] Learned APP has filed say at Ex. 04 and I. O. has also filed say at Ex. 05. They have stated that the offence is of serious nature. Test Identification parade is to be done. The vehicle is seized from accused Durgesh. Investigation is going on. If the accused are released on bail, they may threat the prosecution witnesses. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for accused and learned APP. They have argued as per their stand taken.

05] I have gone through application, say, arguments, documents, police papers. The offence is triable by JMFC. The accused have no criminal antecedents. The auto-rickshaw is seized from them. Also knife is seized from other accused. No purpose will serve to keep them behind bar. In the circumstance of the case, they are entitled for regular conditional bail. Hence, the following order :

**ORDER**

- 01] Application is allowed.
- 02] Accused namely Durgesh @ Vicky Laxman Joze, Vicky Naresh Shinde and Nilesh Shripad Uphade be released on bail on executing personal bond of Rs.15,000/- each with one or more surety in the likewise amount in crime No. I-379 of 2022 registered with Panchavati Police Station for the offence punishable under section 392, 323, 504, 506(2) read with 34 of I.P.C.
- 03] The accused shall attend police station, as and when his attendance is required by the I. O.
- 04] They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer to tamper with the evidence.
- 05] They shall not tamper the prosecution evidence in any manner.
- 06] They shall not leave India without permission of this court.
- 07] They shall not commit similar type of offence.
- 08] They shall furnish his detailed address with proof and his mobile numbers.
- 09] Bail before concerned court of Judicial Magistrate First Class.

Date : 12.10.2022

[R.R.Rathi]  
I/c.Additional Sessions Judge-5, Nashik.